

## **Chapter 1: Title, Purpose, Authority, and General Administrative Provisions**

### **A. Title**

The regulations, standards, and procedures contained herein shall be known as the Anaconda-Deer Lodge County Development Permit System (DPS). These regulations constitute one component of the county-wide land development regulations. Companion components include the Development District Map, County Subdivision Regulations, adopted public improvement design standards, and regulations and guidelines adopted pursuant to Superfund remediation, including Interim Institutional Controls Plan (IICP).

### **B. Purpose**

The primary purpose of these regulations is to promote the public health, safety, and general welfare through implementing the ADLC Growth Policy. Other purposes of the DPS are:

1. To promote orderly and efficient growth and development.
2. Provide for a strong and diversified economy.
3. Protect public and private investment.
4. To preserve and enhance community/neighborhood scale and character where recommended in the Growth Policy.
5. Preserve and enhance natural resources where and as recommended in the Growth Policy.
6. Provide for efficient and cost effective community services and facilities.
7. Coordinate land development with the remediation of environmental contaminants and the application of institutional controls.
8. Establish fair, effective, and efficient development review and decision making processes and procedures that provide procedural due process for applicants and the general public.

### **C. Authority**

Sec. 7-5-201, MCA allows consolidated governments to proceed under state enabling legislation for either cities or counties. For purposes of these regulations, Anaconda-Deer Lodge County will function as a **city**. Therefore, these regulations are adopted under authority of Sec. 76-2-301, MCA, et seq. Airport development district regulations included within the DPS are authorized by Sec. 67-7-201 MCA, et seq.

### **D. Conflicting and Prior Regulations Repealed**

All prior ordinances and resolutions related to sections of the Anaconda-Deer Lodge County Development Permit System, adopted December 2, 1992 as amended, that are amended by these regulations are hereby repealed. All other provisions of the ADLC

Development Permit System not amended by these regulations remain in full force and effect.

#### **E. Vesting**

1. Vested rights to proceed with any development initiated prior to the adoption and effective date of these regulations shall be established only by:
  - a. Having obtained a development permit issued by ADLC under prior regulations, and as applicable, having a valid permit or operating license that is specific to the subject property from the State of Montana or local health department, in full compliance with the requirements of those agencies; or
  - b. Having been issued a finding of sufficiency for a preliminary plat in compliance with the Montana Subdivision and Platting Act and Sec. II-A-6.b of the ADLC Subdivision Regulations. Approval or conditional approval of a preliminary plat establishes a right to proceed with a final plat under state law and the ADLC Subdivision Regulations. Approval or conditional approval of a preliminary plat, or recording of a final plat, does not establish a vested right for any particular use or development standards that might have existed under prior regulations.
2. Vested rights to proceed with development under the provisions of these regulations shall be established only by:
  - a. Recording a final plat in full compliance with the Montana Subdivision and Platting Act and the ADLC Subdivision Regulations; and
  - b. Having a valid development permit in full compliance with these regulations. Permits may expire pursuant to Sec. II.N. Any vested rights to proceed with development expire with the development permit.

#### **F. Most Restrictive Standards Apply**

1. When future county regulations, or state or federal law, impose additional standards on land use or development governed by these regulations, the most restrictive standard shall apply.
2. These regulations do not nullify easements, covenants, deed restrictions, or other similar private agreements, but where any such private agreement imposes standards that are less restrictive than those adopted herein, these regulations shall apply.

#### **G. Interpretation**

All provisions of these regulations shall be interpreted as the minimum requirements necessary to protect the public health, safety, and general welfare, and to implement the ADLC Growth Policy. These regulations are designed to be consistent with the Growth Policy, and shall be liberally construed to achieve its purpose, intent, policies, and recommendations. Actual interpretation of these regulations is the responsibility of the Administrator as set forth in Sec. II.N of these regulations.

**H. Burden of Proof**

In all proceedings, hearings, and in all application and submittal materials, the burden of proof shall rest with the applicant or appellant, as applicable.

**I. Severability**

Should any provision of these regulations be held invalid by any court, the remaining provisions shall continue in full force and effect.

**J. Liability**

No individual, including members of the Planning Board, Board of Adjustment, Administrator, or any other county employee, who acts in good faith and without malice in the performance of duties assigned by these regulations, shall be held liable for errors or omissions in their administration.